

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 1699 of 2007

DATED: 2.2.2007

Between:

Geddada Veeraswamy

petitioner

And

Transmission Corporation of A.P. Ltd

Vidyut Soudha, Hyderabad

Rep by its Chairman & Managing Director, & ors

Respondents

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THE HON'BLE SRI JUSTICE N.V.RAMANA

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WRIT PETITION NO. 1699 OF 2007

ORAL ORDER:

The present writ petition is filed questioning the proceedings of the respondents dated 6.12.2006 rejecting the claim of the petitioner for appointment to the post of Junior Lineman on yearly contract basis on the ground that he does not possess the requisite qualifications.

The petitioner claims that he has been working as Shift Operator at 33/11 KV Electrical Sub Station, Lakkavaram, East Godavari district for the last about 5 ½ years. The respondent corporation issued a notification dated 7.6.2006 inviting applications for the post of Junior Linemen on contract basis. The said proceedings prescribe that the candidates should possess the educational qualifications of SSC/SSLC with I.T.I qualification in Electrical/Wireman Trade or Intermediate Vocational course in Electrical Trade. The grievance of the petitioner is that he possess the qualification of I.T.I –Fitter and has acquired the experience of more than 5 ½ years and prescribing the qualification of I.T.I qualification in Electrical/Wireman Trade or Intermediate Vocational course in Electrical Trade and ignoring his claim on the said ground by proceedings dated 6.12.2006 is illegal and arbitrary. Hence, the present writ petition.

The learned Standing Counsel for the respondents submitted that prescription of educational and other qualifications is the sole

discretion of the concerned authorities and the same cannot be said to be illegal warranting interference of this Court.

Heard the learned Standing Counsel for the respondents and perused the material available on record.

To consider whether the petitioner is entitled for relaxation of educational qualification, it is appropriate to refer to Condition No.5 (b) of B.P. Ms. 36, dated 18.05.1997, which prescribes the educational qualifications. The said Condition No. 5(b) reads:

Educational Qualifications: Educational Qualifications shall be as per Board's Service Regulations in force at the time of their first engagement. There shall be no relaxation of educational qualifications or other relevant technical qualifications which are prescribed in the Service Regulations for such appointment.

From a reading of the above, it is clear that the candidates should possess the educational qualifications as prescribed in the Board's Service Regulations, which were in force at the time of their initial engagement, and no relaxation of educational or other relevant technical qualifications, prescribed in the Board's Service Regulations, shall be given.

In the present writ petition the petitioner is questioning the action of the respondents in prescribing the educational qualification and seeks relaxation of the said condition and consideration of his case. Whereas, Condition No.5(b) of B.P. Ms. No.36, dated 18.05.1997, states that no relaxation in educational or other relevant technical qualifications can be given.

In this context, it would be appropriate to refer to the judgment of the apex Court in Civil Appeal No.3215 of 2002 and batch, dated 18.04.2002, wherein the apex Court having considered the question of grant of relaxation of prescribed qualifications, answered the same in the negative, holding as follows:

"In our view, in the petitions before the High Court there

was no question of considering public policy and the discussion on the law was totally besides the point involved in the matter. Limited issue was – whether before regularization of service of employees, the Board was bound to follow the eligibility conditions laid down in its proceedings dated 18.05.1997 and 31.12.1997. Benefit of regularization which was conferred on the employees solely depended upon eligibility of conditions including the age limit prescribed under the statutory regulations. The statutory regulations provide that there shall be no relaxation of age. In cases, where the Board has committed mistake in engaging under-age casual employees or has permitted the contractor to do so would not confer any right on such employees for being regularized on the basis of BPMS dated 18.05.1997.

In this view of the matter, the judgment rendered by the High Court cannot be sustained and is, therefore, set aside.

However, considering the fact that the respondents/casual employees/employees of the contractor/junior linemen are in service for more than 15 years, we do not think that this would be a fit case for disturbing their appointments made in pursuance of the order passed by the High Court.

Ordered accordingly. Appeals stand disposed of.”

The qualifications are fixed based on the nature of the job, which the candidate is required to perform upon his selection. This Court in exercise of its jurisdiction under Article 226 of the Constitution of India, cannot prescribe or substitute the qualifications – be it educational or technical or any other qualifications, as fixed by the authorities. Since the qualifications, are fixed by the authorities keeping in view the job requirements, no exception can be taken to the action of the respondents in prescribing educational qualification of ITI (Electrical) Trade or Vocational Courses in Electrical Trade, for appointment to the post of Junior Lineman.

There are no merits in the writ petition. Accordingly the same is dismissed. No costs.

N.V.RAMANA, J.

DATE: 2.2.2007

Tvk/grr

THE HON'BLE MR JUSTICE N.V. RAMANA

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